

08-09-01

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08/08/01

UTILITY  
PATENT APPLICATION  
TRANSMITTAL

Attorney Docket No. 99-31 Total Pages 33

First Named Inventor or Application Identifier

SCARBERRY

Title Pneumatic Release Mechanism for a Patient  
Contacting Article

Express Mail Label No. EL 740323975 US

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

1017 U.S. PTO  
09/924869  
08/08/01

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

## ADDRESS TO:

Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ Fee Transmittal Form  
(Submit an original, and a duplicate for fee processing)
2. ☒ Specification [Total Pages 17]  
(preferred arrangement set forth below)  
-Descriptive Title of the Invention  
-Cross References to Related Applications  
-Statement Regarding Fed sponsored R & D  
-Background of the Invention  
-Brief Summary of the Invention  
-Brief Description of the Drawings (if filed)  
-Detailed Description  
-Claim(s)  
-Abstract of the Disclosure
3. ☒ Drawing(s) (35 U.S.C. § 113) [Total Sheets 4]
4. ☒ Oath or Declaration [Total Pages 2]  
a. ☒ Newly executed (original or copy)  
b. ☐ Copy from a prior application (37 C.F.R. § 1.63(d))  
(for continuation/divisional with Boxes 19 and 20 completed)  
[Note Box 5 below]  
i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting  
inventor(s) named in the prior application,  
see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).  
c. ☐ Unsigned
5. ☐ Incorporation By Reference (useable if Box 4b is checked)  
The entire disclosure of the prior application, from  
which a copy of the oath or declaration is supplied  
under Box 4b, is considered as being part of the  
disclosure of the accompanying application and is  
hereby incorporated by reference therein.
6. ☒ Application Data Sheet per 37 C.F.R. § 1.76  
[Total Pages 1]

7. DOMESTIC/INTERNATIONAL priority is claimed under 35 U.S.C. § 119(e)/120/365(c)  
based on the following provisional, nonprovisional, and/or PCT intemation applications.

	Application No.	Filing Date
(1)	60/224,243	August 10, 2000
(2)		

8. ☒ Prior application is assigned to Respironics, Inc. by Assignment  
recorded September 11, 2000 Reel 011150 Frame(s) 0078.

## ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))  
(Please return recorded assignment to the undersigned)
10. ☐ 37 C.F.R. § 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS Citations  
Statement (IDS)/PTO-1449
13. ☐ Preliminary Amendment (to be entered before calculating fees)
14. ☒ Return Receipt Postcard  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Certificate of Mailing by Express Mail
17. ☒ Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i)  
(attach copy of RI-186 Form (PTO/SB/35)).
18. ☐ Other: \_\_\_\_\_

19. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. \_\_\_\_\_

Prior application Information: Examiner: \_\_\_\_\_ Group/ArtUnit: \_\_\_\_\_

20. Please amend the specification by inserting before the first line the sentence: This is a ☐ Continuation ☐ Divisional  
☐ Continuation-in-part (CIP) of prior application No. \_\_\_\_\_

## 21. CORRESPONDENCE ADDRESS

NAME	Michael W. Haas Intellectual Property Counsel RESPIRONICS, Inc.				
ADDRESS	1501 Ardmore Boulevard				
CITY	Pittsburgh	STATE	PA	ZIP CODE	15221-4401
COUNTRY	US	TELEPHONE	412-473-5026	FAX	412-473-5021

Name	Michael W. Haas	Reg. No.	35,174
Signature	Michael W. Haas	Date	August 08, 2001

**FEE TRANSMITTAL**

(Effective 10/01/2000)

Application Number Not Yet Assigned

Filing Date August 08, 2001

First Named Inventor SCARBERRY

Confirmation Number Unknown

Group Art Unit Unknown

"Express Mail" Label No. EL 740323975 US

Examiner's Name Unknown

TOTAL AMOUNT OF PAYMENT \$ 750.00

Attorney Docket No. 99-31

**METHOD OF PAYMENT**1. ☒

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number  
Deposit Account Name

50-0558

Respironics, Inc.

☒

Charge any additional fee required under 37 C.F.R. §§ 1.16, 1.17 and 1.20

☐

Charge the Issue Fee set forth in 37 C.F.R. § 1.18

2. ☒ Payment Enclosed:

Check (Check No. 1009)

**FEE CALCULATION (fees effective 10/01/00)****1. FILING FEE**

Large Fee (\$)	Entity Fee (\$)	Small Fee (\$)	Fee Description	Fee Paid
101	710	201	355 Utility filing fee	710.00
106	320	206	160 Design filing fee	
107	490	207	245 Plant filing fee	
108	710	208	355 Reissue filing fee	
114	150	214	75 Provisional filing fee	

**SUBTOTAL (1)** \$ 710.00**2. CLAIMS**

Total Claims	Ind. Claims	Extra Claims	Fee from Below	Fee Paid
16	3	- 20 *	0 x 18 =	0.00
		- 3 *	0 x 80 =	0.00
Multiple Dependent Claims add			270 =	0.00

\* Enter Highest Number Previous Paid For

Large Fee (\$)	Entity Fee (\$)	Small Fee (\$)	Fee Description
103	18	203	9 Claims in excess of 20
102	80	202	40 Independent claims in excess of 3
104	270	204	130 Multiple dependent claim
109	80	209	40 Reissue independent claims over original patent
110	18	210	9 Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** \$ 0.00**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or declaration	
127	50	227	25	Surcharge - late provisional filing fee or or cover sheet	
145	100	145	100	Certificate of Correction	
147	2,520	147	2,520	For filing a request for reexamination	
576	25	576	25	Additional filing receipt, duplicate or corrected due to applicant error	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for response within first month	
116	390	216	195	Extension for response within second month	
117	890	217	445	Extension for response within third month	
118	1,390	218	695	Extension for response within fourth month	
128	1,890	228	945	Extension for response within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive unavoidably abandoned application	
141	1,240	241	620	Petition to revive unintentionally abandoned application	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
148	110	248	55	Statutory Disclaimer	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of property)	40.00
146	710	246	355	Filing a submission after final rejection (37 C.F.R. § 1.129(a))	
179	710	279	355	Request for Continued Examination	

Other Fee (specify) \_\_\_\_\_

**SUBTOTAL (3)** \$ 40.00**SUBMITTED BY**

Typed or Printed Name	Michael W. Haas	Reg. Number	35,174
Signature	<i>Michael W. Haas</i>	Date	August 08, 2001
		Deposit Account Number	50-0558

<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. § 122(b)(2)(B)(i)</b>	First Named Inventor		SCARBERRY
	Title	Pneumatic Release Mechanism for a Patient Contacting Article	
	Atty Docket Number		99-31

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. §122(b).

August 8, 2001  
Date

Michael W. Haas  
Signature

Michael W. Haas (Reg. No. 35,174)  
Typed or printed name

This request must be signed in compliance with 37 CFR §1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. § 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. § 122(b)(2)(B)(iii)).**

## Certificate of Mailing by "Express Mail"

EL 740323975 US

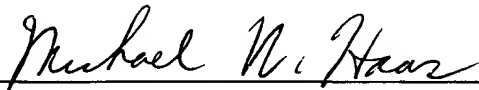
"Express Mail" label number

August 08, 2001

Date of Deposit

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and is addressed to:

Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.



Signature of person mailing correspondence

Michael W. Haas

Typed or printed name of person mailing correspondence

Note: Each paper must have its own certificate of mailing by "Express Mail".